

Board of Commissioners:

On October 7, 2014, the Library Board of Trustees presented the Board of Commissioners with a proposal to serve as fiscal and personnel agent for the library. Prior to making any decision or determination regarding the proposal, your staff began research regarding any and all options for operating county libraries in Georgia. The Carl Vinson Institute of Government was enlisted to assist, and they provided the county with a very thorough understanding of options available to the Board of Commissioners.

In addition to the insights from Carl Vinson Institute to be considered, your staff has several areas of concern that need to be brought to the attention of the Board of Commissioners in order for the best possible decision to be made regarding the proposal.

The first concern is regarding a conflict of interest/ethical issue. Late in the 2013-2014 fiscal year, a purchase order from the library was being processed through the normal county purchasing procedure. This specific purchase was of a dollar amount that required it to have approval from the County Manager's office. A conflict of interest was noted regarding the purchase, and the purchase order was held. The reason for concern was expressed to the purchasing office and to the Library Director and Library Board Chairperson. The issue became a concern due to the fact that the Library Director was purchasing items from a printing company at which the Library Board Chair is employed. In addition, the Library Board Chair was on the invoice as the sales person involved in the transaction. Staff advised the Library Chair and Library director of methods available to be able to appropriately process such transactions.

Staff began reviewing purchases involving the usage of printing companies by the library in the fiscal year 2013-2014. It was found that in this past fiscal year, county departments utilized six separate printing companies for a variety of services. Staff performed research into each printing company file within the accounts payable department to determine if printing services were being quoted, to avoid any appearance of a conflict given the position of the Chairperson. In the 12-month period, it was found that the only printing company that has been utilized by the Library Director was the printing company with which the Chairperson is employed. In addition, the purchases, of which there are twelve, all show the sales person as being the Library Board Chairperson.

The second area of concern deals with the numerous areas of conflict that have been occurring between the County administrative staff and the Library Director and Library Board. Since 2008, the county has been serving as the Fiscal and Personnel Agent for the library. This design was approved by the Board of Commissioners and state library officials. The process worked successfully until mid-2013. There seemed to be a shift away from the normal, approved process of utilizing the Fiscal and Personnel Agent system by the current Library Chairperson and Library Board. This was initially demonstrated in the area of an employee discipline procedure, and increased in the process of hiring a new Library Director. This resulted in the Library Board and the Board of Commissioners receiving public accusations of discrimination

and favoritism from a job applicant, as well as the Library Board having to receive council from our county attorneys regarding open meeting laws in the State of Georgia.

Other issues include the promise of benefits made to the Library Director which exceeded amounts that the Library Board was authorized to approve. Public statements have been made in open meetings, to the newspaper, and in email communications which are violations of the county personnel policy. One such example includes a newspaper statement accusing the County Fiscal and Personnel Agent of "covertly" reducing the library budget. As the County Fiscal and Personnel Agent performs its normal functions involving all county departments, including the library, the Library Director, with the support of the Library Board, is stating that the Fiscal and Personnel Agent is hindering the library operation. While the County Fiscal Agent has proceeded with normal purchasing procedures, statements have been made by the Library Director, with the support of the Library Board, that indicate the communications from the Fiscal and Personnel Agent are "time-wasting", "chatter", "holding the library back", and that the Fiscal and Personnel Agent has been the source of a "power struggle".

Recently, a contract was entered into by the Library Board for web site design services. The Fiscal and Personnel Agent noticed the appearance of a conflict of interest involving the contract and questioned the matter. The Library Director had obtained quotes for the service and presented the lowest price for bid award. The quotes were noticed by the Fiscal and Personnel Agent for two reasons. In examining the competitive quoting process, it was noticed that two professional web design businesses were in competition with what appeared to be a single individual. The single individual, who was awarded the bid, was the son of the library attorney, who is also the county attorney. It is documented within the Georgia Public Library Trustee Manual legal considerations section that "governing board members are responsible for making sure the library follows these laws and does not establish any policy in conflict with law. It is wise to have an independent attorney who is familiar with laws pertaining to libraries. A county or local government attorney may have a conflict of interest in governing board issues." The contract involving the son of the library attorney provides the appearance of a conflict of interest. As the Fiscal and Personnel Agent questioned the appearance of a conflict of interest, the Library Director and Library Board proceeded to search for ways to either order the Fiscal and Personnel Agent to pay the invoice or find a way around the Fiscal and Personnel Agent to get the invoice paid. The Library Director and Library Board also sought legal advice throughout this process from the same library and county attorney whose son is involved in the appearance of a conflict of interest.

The County Fiscal and Personnel Agent has noticed an increase in attorney bills in the past fiscal year due to issues such as these described in this letter. The Library has been choosing to not utilize the training and experience of the county staff, and instead is consulting directly with the county and library attorneys. Many of these consults with the county attorney could have been adequately addressed by your County administrative staff. Also, some of the consults with the attorneys were of the nature of questioning the county staff.

Of major concern to your administrative staff in considering the current Library Board as future fiscal and personnel agents for the library, is the fact that they seem unable to recognize conflict of interest and ethical matters. Also, there seems to be a lack of appropriate training with the existing Library Board regarding liability and the responsibilities that come with serving as fiscal and personnel agents. The proposal to serve as fiscal and personnel agent for the library seems to be exactly what they have been striving to carry out, apart from the support of the Board of Commissioners, for the last one and one-half years. This seems to have been the source of conflicts since mid-2013.

Respectfully submitted,

Mike Helton